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VIA ELECTRONIC FILING

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

August 26, 2010

Re: STB Finance Docket No. 35316
Allied Erecting and Dismantling, Inc. and
Allied Industrial Development Corporation –
Petition for Declaratory Order
Joint Letter of Clarification / Request for Extension

Dear Ms. Brown:

227699

By decision served July 23, 2010 (as amended by decision served July 25, 2010), the Board instituted a declaratory order proceeding based on the petition filed by Allied Erecting and Dismantling Inc. and Allied Industrial Development Corporation (collectively, "Allied"). Allied has requested a substantial amount of discovery from the Respondents, and Respondents have raised objections to the scope of what has been requested. The parties have partially resolved the dispute based on the parties' mutual understanding of the issues that will be under consideration by the Board as set forth in the July decisions.

One of the issues referred to the Board was "What damages are available to Allied if Ohio Central has violated the easement." The parties understand that, under this inquiry, the Board will not perform any calculation of damages or determine the amount of Allied's damages, if any. Accordingly, the parties have agreed not to conduct further discovery in this proceeding on the amount of damages, and the parties thus will not be submitting any evidence or expert reports to the Board on the amount of damages. However, the parties specifically reserve their right to conduct discovery on the amount of damages and submit evidence or expert reports on the amount of damages at the appropriate time after this Board has ruled on the current issues before it."

If the understanding of the parties is not correct and the Board expects the submission of evidence on damages, then the parties request that the Board so notify them, and allow more time for discovery in addition to the extension requested below.

Due to the volume of the requested discovery and the disputes related thereto, the parties request that the schedule be extended by 75 days, with Allied's opening statement being due on November 22, 2010. Due to the holidays, the parties suggest that Ohio Central's reply will be due thirty (30) days after that on December 22, 2010, and Allied's rebuttal will be due on January 10, 2011.

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Office of Proceedings
Page 2

August 26, 2010

Counsel for Allied has authorized me to state that this letter is submitted as a joint request of Allied and the Respondents.

Respectfully,

Eric M Hocky @
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EMH/e

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